

Remarks

I. The Drawings

The Drawings have been amended in FIG. 8 to replace the numeral “32” with the numeral “60,” with reference to the cable. A replacement sheet for FIG. 8 is enclosed, in which one of the elements that was originally labeled “32” is instead labeled “60.”

II. The Specification

The Specification has been amended in paragraphs 28, 29 and 33 to replace the numeral “32” with the numeral “60,” when referring to the cable.

III. The Claims

A. 35 USC 112, first paragraph

Claim 2 stands rejected under 35 USC 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to enable one of ordinary skill in the art to make and/or use the invention. Applicant respectfully disagrees, noting that the claims are part of the original description and that one of ordinary skill in the art is able to make and/or use the invention of claim 2 without undue experimentation based upon reading claim 2. Applicant has however canceled claim 2 without prejudice in order to concentrate on other claims.

B. 35 USC 112, second paragraph

Claims 11-17 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 has been amended to recite, in part, “a bed coupled to the support member and having a front end and a rear end.”

Claim 11 has also been amended to recite, in part, “an arm” instead of “at least one arm,” although applicant respectfully disagrees that this amendment is necessary. One should note that this does not limit claim 11 to a single arm.

C. 35 USC 102

1. Claims 11, 13, 16 and 17 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,450,437 to McQueen. The Office Action states:

McQueen shows a vehicle having a support member 1, bed 10 coupled to the support member, movable in a first direction relative to the vehicle and pivotable about a point adjacent to the rear edge of the support member; and arms 31 coupled to the support member via rollers 33-34 and to the bed "adjacent to the front end" as broadly claimed, the arms moving linearly as they and the bed roll along the support member in the first direction until the rollers encounter stops 41 which cause the arms to pivot and thus tilt the bed relative to the vehicle, as seen in figure 1.

Applicant respectfully disagrees with this characterization of McQueen. Instead McQueen states in column 2, lines 43-55:

From the foregoing it will be apparent that a rearward pull on cable 25, shaft 30 and rollers 33-34 upon rotation of the shaft and winch 24 by crank handle will pull the lift arms 31-32 rearwardly from their full line position shown in FIGURE 1. The resultant upward swing of the lift arms about the hinge line established by the shaft 18 as they travel rearwardly along the truck bed will tilt the dump box into the dumping position shown in broken lines or to any desired intermediate position such, for example, as one where the dump body would be only partially extended from the rear of the truck body while still in a horizontal position for loading purposes.

Claim 11 has been amended to recite: "an arm coupled to the support member and coupled to the bed at the front end," This is in contrast to McQueen, which shows a pair of lifting arms 31-32 that are attached near a middle of the main body 8.

2. Claims 11 and 16 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,077,024 to Trueblood. The Office Action states:

Trueblood shows a vehicle having a support surface 15, 25, bed 11, and arms 21, 23 which are constrained to move linearly at a first location of the vehicle to move the bed in the first direction and are constrained to rotary motion at a second location of the vehicle to tilt the bed, as seen in figures 8b and 8c.

Applicant has amended claim 11 to recite that the bed is disposed above the support member during the substantially linear motion. This is in contrast to Trueblood,

which shows lever 21 and link 23 mounted near the top of side-walls of bed 15 to guide tracks 47 and 55.

D. 35 USC 103

1. Claims 1-17 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,099,232 to Dixon et al. in view of Trueblood. The Office Action states:

Dixon et al. show a vehicle having a moveable support member 130 coupled to and moveable in a first direction relative to frame 120, bed 110, 112 moveable adjacent the upper surface of the support member in the first direction and pivotable about an axis adjacent the rear edge of the support member, and arms 136 coupled to the bed.

Although the arms are coupled to the support member and limit the amount of pivoting motion of the bed relative thereto, they do not move along the support member and raise or tilt the bed, nor are they coupled adjacent the front end of the bed.

Trueblood, as noted above, shows the arms to have all these features.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the apparatus of Dixon et al. by utilizing arms coupled adjacent the front of the bed and moveable relative to the support member to lift and tilt the bed relative thereto, as shown by Trueblood, as this would be less complex by eliminating the need for a separate winch 118 to move the bed relative to the support member.

Applicant notes that in addition to that which is admitted by the Office Action to be lacking from Dixon et al., that reference does not teach or suggest "a point disposed between the front end and the rear end, the point moveable along the first direction between first and second locations over the upper surface of the support member." This limitation is also absent from Trueblood, which does not teach or suggest a moveable support member but discloses cargo box 11 located below the guide tracks 47 and 55 of that invention. Because a point disposed between the front end and the rear end of the bed does not move over a moveable support member, claim 1 is nonobvious over the Dixon et al. reference as proposedly modified in view of Trueblood.

Moreover, should the references be modified as proposed by the Office Action, the moveable support of Dixon et al. would not be needed as the winch and cable 19

would be removed, further demonstrating the nonobviousness of claim 1 over the proposedly modified references.

Furthermore, neither Dixon et al. nor Trueblood teach or suggest an arm designed “to raise the front end of the bed as the point approaches the second location” as recited in claim 1. Both Dixon et al. and Trueblood teach that the front end of their respective bed or box is raised by gravity tipping the back end down once the bed or box extends sufficiently beyond the end of the truck.

Also, claim 1 has been amended to recite an “arm having ... a second end... coupled to the front end of the bed,” whereas Trueblood teaches a lever 23 coupled to the side of the box 11 and removed from the front end of that invention. As shown in Figs. 4a-4c of Trueblood, it is preferable for the lever 23 to be removed from the front end to avoid a sharp angle between lever 23 and link 21 during the initial lifting of box 11 (Fig. 4a) and yet allow wedge-shaped lever 21 to keep the box from catching the tail gate (Fig. 4c).

For at least these reasons, claims 1 and 2-10 are nonobvious over Dixon et al. in view of Trueblood.

Claim 11 has been amended to recite that the bed is disposed above the support member during the substantially linear motion. This is in contrast to Trueblood, which shows lever 23 and link 21 mounted near the top of side-walls of bed 15 to guide tracks 47 and 55.

Claim 11 has also been amended to recite “an arm coupled to the support member and coupled to the bed at the front end.” This is in contrast to Trueblood, which shows lever 23 coupled to the side of the box 11 and removed from the front end of that invention. As shown in Figs. 4a-4c of Trueblood, it is preferable for the lever 23 to be removed from the front end to avoid a sharp angle between lever 23 and link 21 during the initial lifting of box 11 (Fig. 4a) and yet allow wedge-shaped lever 21 to keep the box from catching the tail gate (Fig. 4c).

For at least these reasons, claims 11-17 are nonobvious over Dixon et al. in view of Trueblood.

2. Claims 1-10, 12-15 and 17 stand rejected under 35 USC 103(a) as being unpatentable over Trueblood in view of Dixon et al. The Office Action states:

Trueblood does not show the support member moveable relative to the vehicle.

Dixon et al., as noted above, show this feature.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the apparatus of Trueblood by utilizing a moveable support member, as shown by Dixon et al., for greater efficiency and flexibility during loading and unloading.

Applicant notes that in addition to that which is admitted by the Office Action to be absent from Trueblood, that reference does not teach or suggest “a point disposed between the front end and the rear end, the point moveable along the first direction between first and second locations over the upper surface of the support member,” in contrast to claim 1. This limitation is also absent from Dixon et al., as discussed above. Because a point disposed between the front end and the rear end of the bed does not move over a moveable support member, claim 1 is nonobvious over the Trueblood reference as proposedly modified in view of Dixon et al.

Moreover, should the references be modified as proposed by the Office Action, the moveable support of Dixon et al. would not be needed as the winch and cable 19 would be removed, further demonstrating the nonobviousness of claim 1 over the proposedly modified references.

Furthermore, neither Dixon et al. nor Trueblood teach or suggest an arm designed “to raise the front end of the bed as the point approaches the second location” as recited in claim 1. Both Dixon et al. and Trueblood teach that the front end of their respective bed or box is raised by gravity tipping the back end down once the bed or box extends sufficiently beyond the end of the truck.

Also, claim 1 has been amended to recite that an “arm having ... a second end... coupled to the front end of the bed,” whereas Trueblood teaches a lever 23 coupled to the side of the box 11 and removed from the front end of that invention. As shown in Figs. 4a-4c of Trueblood, it is preferable for the lever 23 to be removed from the front end to avoid a sharp angle between lever 23 and link 21 during the initial lifting of box 11 (Fig. 4a) and yet allow wedge-shaped lever 21 to keep the box from catching the tail gate (Fig. 4c).

For at least these reasons, claims 1 and 2-10 are nonobvious over Dixon et al. in view of Trueblood.

Claim 11 has been amended to recite that the bed is disposed above the support member during the substantially linear motion. This is in contrast to Trueblood, which shows lever 23 and link 21 mounted near the top of side-walls of bed 15 to guide tracks 47 and 55.

Claim 11 has also been amended to recite “an arm coupled to the support member and coupled to the bed at the front end.” This is in contrast to Trueblood, which shows lever 23 coupled to the side of the box 11 and removed from the front end of that invention. As shown in Figs. 4a-4c of Trueblood, it is preferable for the lever 23 to be removed from the front end to avoid a sharp angle between lever 23 and link 21 during the initial lifting of box 11 (Fig. 4a) and yet allow wedge-shaped lever 21 to keep the box from catching the tail gate (Fig. 4c).

For at least these reasons, claims 11-17 are nonobvious over Trueblood in view of Dixon et al.

3. Claims 1, 3, 4, 6-13, and 15-17 stand rejected under 35 USC 103(a) as being unpatentable over Dixon et al. in view of McQueen. The Office Action states:

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the apparatus of Dixon et al. by utilizing arms coupled adjacent the front of the bed and moveable relative to the support member to lift and tilt the bed relative thereto, as shown by Trueblood, as this would be less complex by eliminating the need for a separate winch 118 to move the bed relative to the support member.

Claim 1 as amended, recites in part, an “arm having . . . a second end . . . coupled to the front end of the bed,” whereas Dixon et al. teach rails 136 coupled to the bottom of the bed. McQueen also does not teach or suggest this limitation, instead showing arms 31-32 that are removed from the front end. Moreover, both Dixon et al. and McQueen teach away from this limitation, as the rails 136 of Dixon et al. need to slide along ramp beams 134 to function, and the arms 31-32 need to be removed from the front end to function.

Also, claim 11 has been amended to recite: “an arm coupled to the support member and coupled to the bed at the front end.” This is in contrast to Dixon et al. and McQueen, as discussed immediately above.

Moreover, neither Dixon et al. nor McQueen teach or suggest an arm designed “to raise the front end of the bed as the point approaches the second location” as recited in claim 1. Both Dixon et al. and McQueen teach that the front end of their respective bed or box is raised by gravity tipping the back end down once the bed or box extends sufficiently beyond the end of the truck.

For at least these reasons, claims 1, 2-10 and 11-17 are nonobvious over Dixon et al. in view of McQueen.

4. Claims 1, 3, 4, 6-10, 12 and 15 stand rejected under 35 USC 103(a) as being unpatentable over Dixon et al. in view of McQueen. The Office Action states:

McQueen does not show the support member moveable relative to the vehicle.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the apparatus of McQueen by utilizing a moveable support member, as shown by Dixon et al., for greater efficiency and flexibility during loading and unloading.

It would not have been clear to one of skill in the art how to modify the apparatus of McQueen by utilizing a moveable support member, as shown by Dixon et al., or that greater efficiency and more flexibility would result.

Moreover, claim 1 as amended, recites in part, an “arm having . . . a second end . . . coupled to the front end of the bed,” whereas Dixon et al. teach rails 136 coupled to the bottom of the bed. McQueen also does not teach or suggest this limitation, instead showing arms 31-32 that are removed from the front end. Moreover, both Dixon et al. and McQueen teach away from this limitation, as the rails 136 of Dixon et al. need to slide along ramp beams 134 to function, and the arms 31-32 need to be removed from the front end to function.

Also, claim 11 has been amended to recite: “an arm coupled to the support member and coupled to the bed at the front end.” This is in contrast to Dixon et al. and McQueen, as discussed immediately above.

Moreover, neither Dixon et al. nor McQueen teach or suggest an arm designed "to raise the front end of the bed as the point approaches the second location" as recited in claim 1. Both Dixon et al. and McQueen teach that the front end of their respective bed or box is raised by gravity tipping the back end down once the bed or box extends sufficiently beyond the end of the truck.

For at least these reasons, claims 1, 3, 4, 6-10, 12 and 15 are nonobvious over McQueen in view of Dixon et al.

IV. Conclusion

Applicants have responded to each item of the Office Action, and respectfully request reconsideration of the pending claims. Applicants believe that the claims are in condition for allowance, and a Notice of Allowance is solicited. Should the Examiner have any question regarding this application or amendment, he is respectfully requested to telephone the undersigned at the number below.

Respectfully submitted,



Mark Lauer
Reg. No. 36,578
7041 Koll Center Parkway
Suite 280
Pleasanton, CA 94566
Tel: (925) 484-9295
Fax: (925) 484-9291

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS No Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:


Mark Lauer

Date: 12-15-03